

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Raymond T. Barker
Donna L. Barker
Debtor(s)

Bankruptcy Case No.: 14-22139-CMB
Issued Per Dec. 6, 2018 Proceeding
Chapter: 13
Docket No.: 101 – 88, 93
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 20, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.
Debtor is to have resumed long term debts beginning November, 2018.
If additional funds are found to be needed at audit, debtor shall remit those funds within 45 days of request by Trustee.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.


B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: December 13, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Imaged Certificate of Notice Page 4 of 5

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
Raymond T. Barker
Donna L. Barker
DebtorsCase No. 14-22139-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
Form ID: 149Page 1 of 2
Total Noticed: 26

Date Rcvd: Dec 13, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 15, 2018.

db/jdb
cr
+Raymond T. Barker, Donna L. Barker, 675 Flatwoods Road, Vanderbilt, PA 15486-1217
+US Bank National Association, Robertson, Anschutz & Schneid, P.L.,
6409 Congress Ave.suite # 100, Boca Raton, FL 33487-2853
13861199 +Consumer Portfolio Svc, Attn:Bankruptcy, 19500 Jamboree Rd, Irvine, CA 92612-2411
13861200 +Fed Loan Serv, Po Box 69184, Harrisburg, PA 17106-9184
13907016 FedLoan Servicing, P.O. Box 69184, Harrisburg, PA 17106-9184
13861201 +Fidelity Properties In, Po Box 2055, Alliance, OH 44601-0055
13861202 +First Premier Bank, 3820 N Louise Ave, Sioux Falls, SD 57107-0145
13861203 +Highlands Hospital, 401 E. Murphy Ave., Connellsville, PA 15425-2700
13861204 +Karen Ann Ulmer, P.C., 174 Middletown Blvd., Langhorne, PA 19047-3201
13861205 Memorial Sloan-Kettering Cancer Center, P.O. Box 26352, New York, NY 10087-6352
13861207 ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
(address filed with court: Nationstar Mortgage LLC, Attn: Bankruptcy, 350 Highland Dr,
Lewisville, TX 75067)
13861209 +Rjm Acq Llc, 575 Underhill Blvd Ste 2, Syosset, NY 11791-3426
13861210 +Robert S. English Jr., MD, 2160 Springhill Furnace Road, Smithfield, PA 15478-1428
13861212 +Spartan Financial Svc, 13730 S Point Blvd, Charlotte, NC 28273-7715
13861214 +Strategic Recovery Gro, 7668 Warren Pkwy Ste 325, Frisco, TX 75034-4161
13861211 +Uniontown S.D./Franklin Twp., c/o Southwest Regional Tax Bureau, One Centennial Way,
Scottdale, PA 15683-1741

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

13861196 +E-mail/Text: EBN_Greensburg@Receivemorermp.com Dec 14 2018 02:32:37 Berks Credit & Coll,
900 Corporate Dr, Reading, PA 19605-3340
14403177 +E-mail/Text: bankruptcy@consumerportfolio.com Dec 14 2018 02:32:02
CONSUMER PORTFOLIO SERVICES, INC., P.O. BOX 57071, IRVINE, CA. 92619-7071
13861197 +E-mail/Text: bankruptcy@cavps.com Dec 14 2018 02:32:07 Calvary Portfolio Services,
Attention: Bankruptcy Department, 500 Summit Lake Dr. Suite 400, Valhalla, NY 10595-2321
13861198 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Dec 14 2018 02:40:02 Capital 1 Bank,
Attn: Bankruptcy Dept., Po Box 30285, Salt Lake City, UT 84130-0285
13863538 +E-mail/Text: bankruptcy@cavps.com Dec 14 2018 02:32:07 Cavalry SPV I, LLC,
500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
13861208 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 14 2018 02:51:25
Portfolio Recovery, Attn: Bankruptcy, Po Box 41067, Norfolk, VA 23541
13911127 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 14 2018 02:51:25
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
13894957 +E-mail/Text: csidl@sbcglobal.net Dec 14 2018 02:32:12 Premier Bankcard/Charter,
P.O. Box 2208, Vacaville, CA 95696-8208
13907204 E-mail/PDF: cbp@onemainfinancial.com Dec 14 2018 02:40:48 Springleaf Financial,
P.O. Box 3251, Evansville, IN 47731
13861213 E-mail/PDF: cbp@onemainfinancial.com Dec 14 2018 02:40:23 Springleaf Financial S,
150 Pittsburgh St, Uniontown, PA 15401

TOTAL: 10

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Nationstar Mortgage LLC
cr Nationstar Mortgage as servicer for U.S. Bank Nati
cr U.S. Bank National Association, not in its individ
13897672* ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
(address filed with court: Nationstar Mortgage LLC, Attn: Bankruptcy Department,
PO Box 630267, Irving, TX 75063)
13861206 ##+Michael A. Mendicino, O.D., Mendicino Eye Care, Willow Pointe Plaza,
800 Plaza Drive, Suite 270, Belle Vernon, PA 15012-4020
13871912 ##+Rjm Acquisitions Llc, 575 Underhill Blvd, Suite 224, Syosset, NY 11791-3416

TOTALS: 3, * 1, ## 2

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 26

Date Rcvd: Dec 13, 2018

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 15, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 13, 2018 at the address(es) listed below:

Daniel R. White on behalf of Joint Debtor Donna L. Barker dwhite@zeblaw.com,
gianna@zeblaw.com;dwhite.zmw@gmail.com;r63228@notify.bestcase.com
Daniel R. White on behalf of Debtor Raymond T. Barker dwhite@zeblaw.com,
gianna@zeblaw.com;dwhite.zmw@gmail.com;r63228@notify.bestcase.com
James Warmbrodt on behalf of Creditor Nationstar Mortgage as servicer for U.S. Bank National
Association, not in its individual capacity but solely as trustee for NRZ Pass-Through Trust
VIII bkgroup@kmlawgroup.com
James Warmbrodt on behalf of Creditor U.S. Bank National Association, not in its individual
capacity but solely as trustee for NRZ Pass-Through Trust VIII bkgroup@kmlawgroup.com
James A. Prostko on behalf of Creditor Nationstar Mortgage LLC pawb@fedphe.com,
james.prostko@phelanhallinan.com
Joseph P. Schalk on behalf of Creditor Nationstar Mortgage LLC jschalk@barley.com,
sromig@barley.com
Mario J. Hanyon on behalf of Creditor Nationstar Mortgage LLC pawb@fedphe.com
Mary L. Thibadeau on behalf of Creditor Nationstar Mortgage LLC mary.thibadeau@klgates.com,
klgatesbankruptcy@klgates.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Rebecca Solarz on behalf of Creditor U.S. Bank National Association, not in its individual
capacity but solely as trustee for NRZ Pass-Through Trust VIII bkgroup@kmlawgroup.com
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com

TOTAL: 11